THIERMAN BUCK, LLP

3mail info@thiermanbuck.com; www.thiermanbuck.com 11 775) 284-1500 Fax (775) 703-502712 15 16 17 18

1

2

3

4

5

6

7

8

9

10

13

14

19

20

2.1

22

23

24

25

26

27

28

On September 8, 2017, this Court considered the Joint Motion for Final Approval of Class Action Settlement. Counsel for Plaintiff and Defendant appeared at the hearing. Having fully considered the motion, comments of counsel, and all supporting legal authorities, the Court orders as follows:

## IT IS HEREBY ORDERED THAT:

- This Court has jurisdiction over the subject matter of this litigation and personal 1. jurisdiction over the named-plaintiff, all settlement class members, and defendants.
  - 2. The Court adopts the defined terms in the Settlement Agreement.
- 3. Distribution of the Notice, Claim Form and the Exclusion Form directed to the Class Members as set forth in the Stipulation of Settlement and the other matters set forth therein have been completed in conformity with the Preliminary Approval Order, including individual notice to all Class Members who could be identified through reasonable effort, and as otherwise set forth in the Stipulation of Settlement. The Notice provided due and adequate notice of the proceedings and of the matters set forth therein, including the proposed Settlement set forth in the Stipulation of Settlement, to all persons entitled to such a Notice, and the Notice fully satisfied the requirements of due process. All Class Members and all Released Claims are covered by and included within the Settlement and the Court's Final Order and Judgment.
- 4. The Court confirms the appointment of Jason Beard as class representative. The Court approves the enhancement payment of \$10,000 to Mr. Beard, as set forth in the Settlement Agreement.
- 5. The Court confirms the appointment of Thierman Buck LLP as class counsel for the settlement class and approves their requests for attorneys' fees and litigation costs of \$59,000 and \$2,000, respectively.
- 6. The Court grants final approval to this settlement and finds that the settlement is fair, reasonable, and adequate in all respects, including the attorneys' fees, costs, and incentive award provisions. The Court specifically finds that the settlement confers a substantial benefit to settlement class members, considering the strength of plaintiff's claims and the risk, expense,

18

19

20

21

22

23

24

25

26

27

28

1

2

3

4

5

6

7

8

9

complexity, and duration of further litigation. The response of the class supports settlement approval. No class members objected to the settlement and only two requested exclusion from the settlement. The Court further finds that the settlement is the result of arms-length negotiations between experienced counsel representing the interests of both sides, which supports approval of the settlement in accordance with the standards set forth in the joint motion for final approval of Settlement negotiations were not commenced until both sides had thoroughly settlement. investigated and researched the claims and defenses herein.

- 8. The Court finds that as of the date of this Order each and every class member has waived and shall be deemed to have fully, finally, and forever released, relinquished, and discharged all Released Claims (including unknown claims), as set forth in the Settlement Agreement and Notice of Class Action Settlement.
- 9. The Court finds that the settlement administrator Simpluris is entitled to \$6,199 for administrative fees.
- 10. The Court directs the parties to effectuate the settlement terms as set forth in the Settlement Agreement and the settlement administrator to calculate and pay the claims of the class members in accordance with the terms set forth in the Settlement Agreement.
  - 11. The Complaint is dismissed on the merits and with prejudice.
- 12. The Court retains jurisdiction to enforce the terms of the settlement, including the payment of the settlement fund.

IT IS SO ORDERED.

Dated: 9/8/2017

Honorable Jennifer A. **District Court Judge**